

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

JAMES GOYNES,

Plaintiffs,

-against-

SUMMONS WITH NOTICE

THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPARTMENT, POLICE
OFFICER SEAN BUTLER, SHIELD NO.: 7505,
DETECTIVE RICHARD SIMPLICIO, SHIELD
NO.: 07665 AND OTHER UN-NAMED
OFFICERS and other unnamed police officers,

Index No.: 302602/2015

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or if, the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: June 12, 2015

Defendants' address: 1 Police Plaza
New York, NY


ELLIOT H. FULD
Atty. for Plaintiffs
930 Grand Concourse-Suite 1G
Bronx, NY 10451
(718) 410-4111

Notice: The object of this action is one for monetary damages due to false arrest, false imprisonment, civil rights violations and malicious prosecution.

Upon your failure to appear, judgment will be taken against you by default for the sum \$5,000,000.00 with interest from October 1, 2015 and the costs of this action.

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CLERK
COUNTY OF BRONX

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

JAMES GOYNES,

Plaintiffs,

-against-

VERIFIED COMPLAINT

THE CITY OF NEW YORK, POLICE
OFFICER SEAN BUTLER, SHIELD NO.:
7505-BRONX ROBBERY SQUAD,
DETECTIVE RICHARD SIMPLICIO,
SHIELD NO.: 07665-40TH PRECINCT
and police officers whose names
are yet unknown,

INDEX NO.: 302602/2015

NYC CLAIM #: 2015PI018757

Defendants.

JAMES GOYNES, by his attorney, Elliot H. Fuld, complains of the
defendants and allege, upon information and belief as follows

1. JAMES GOYNES was, at the times of the incident described in this
Complaint, residents of the City and State of New York, County of
Bronx.

2. POLICE OFFICER SEAN BUTLER, SHIELD NO.: 7505-BRONX ROBBERY SQUAD,
DETECTIVE RICHARD SIMPLICIO, SHIELD NO.: 07665-40TH PRECINCT and
police officers whose names are yet unknown were and at all times
stated herein and upon information and belief, are police officers
with the New York City Police Department with regards to the incidents
described herein.

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COUNTY

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COUNTY OF NEW YORK

3. POLICE OFFICER SEAN BUTLER, SHIELD NO.: 7505-BRONX ROBBERY SQUAD, DETECTIVE RICHARD SIMPLICIO, SHIELD NO.: 07665-40TH PRECINCT and police officers whose names are yet unknown were acting within the scope of their employment with the New York City Police Department with regards to the incidents described herein.

4. That at all times stated herein, POLICE OFFICER SEAN BUTLER, SHIELD NO.: 7505-BRONX ROBBERY SQUAD, DETECTIVE RICHARD SIMPLICIO, SHIELD NO.: 07665-40TH PRECINCT and police officers whose names are yet unknown, as employees of the New York City Police Department, were acting as agents, servants and/or employees of THE CITY OF NEW YORK.

5. THE CITY OF NEW YORK at all times herein mentioned, was and still is a municipal corporation, duly organized and existing in accordance with the laws of the State of New York.

AS AND FOR A FIRST CAUSE OF ACTION

6. On or about October 1, 2014, POLICE OFFICER SEAN BUTLER, SHIELD NO.: 7505-BRONX ROBBERY SQUAD forcibly seized and detained the Plaintiff herein in the area of Plaintiff's residence.

7. After detaining the Plaintiff, Defendants arrested the Plaintiffs charging him with felony robbery.

8. Police officers kept Plaintiff in custody for approximately twenty six (26) hours. Police officers and others attempted to interrogate and bully the Plaintiff into admitting to a robbery he did not commit. When Plaintiff continued to invoke his right to counsel and refused to talk to any officers or Assistant District Attorneys, Plaintiff was released without seeing a judge or entering a courtroom.

9. At the time of the arrest and detention those police officers who were present were aware or should have been aware that Plaintiffs did not commit that crime.

10. The arrest and detention of the Plaintiffs by those officers and the filing of criminal charges was without probable cause and without basis in law or in fact.

11. At a later point in time, an Assistant District Attorney acknowledged that Plaintiff was released because he was never identified by any person as being involved in a crime.

12. On or about July 9, 2015, Plaintiffs, by counsel and with the consent of the Defendant CITY OF NEW YORK, served upon the Comptroller of the City of New York, A Notice of Claim as required by the General Municipal Law. A 50-h hearing was conducted on September 30, 2015.

13. That more than thirty (30) days have elapsed since the service of that Claim and the adjustment or payment thereof has been neglected or refused.

14. That this action is being commenced within one year and ninety days after the happening of the event upon which the claim is based, which cause of action accrued upon the arrest of October 1, 2014 and the release of Plaintiff on or about October 2, 2014.

15. As a result of the false arrest and false imprisonment of Plaintiff by defendants, Plaintiffs demands judgment against the Defendants and was damaged in the amount of Five Hundred (\$500,000.00) Thousand Dollars.

AS AND FOR A SECOND CAUSE OF ACTION

16. Plaintiffs repeat all the allegations contained in paragraphs

"1" through "15" inclusive as though more fully set forth herein.

17. Plaintiff was again arrested on October 16, 2014 and falsely accused of attempted murder. **Plaintiff was accused and arrested by DETECTIVE RICHARD SIMPLICIO of the 40th Precinct, an officer whose testimony in Court has already been found to be incredible as a matter of Law and tailored to nullify constitutional; objections.**

18. Based upon the statements of DETECTIVE RICHARD SIMPLICIO, Plaintiff was incarcerated for a period of approximately six (6) months at a bail amount of \$150,000.00 which the Plaintiff could not post.

19. After six (6) months, the District Attorney requested that the Court release Plaintiff as the District Attorney had no evidence to continue.

20. After three (3) more months, the District Attorney moved to dismiss all charges against the Plaintiff.

21. On or about July 9, 2015, Plaintiffs, by counsel and with the consent of the Defendant CITY OF NEW YORK, served upon the Comptroller of the City of New York, A Notice of Claim as required by the General

Municipal Law.

22. That more than thirty (30) days have elapsed since the service of that Claim and the adjustment or payment thereof has been neglected or refused.

23. That this action is being commenced within one year and ninety days after the happening of the event upon which the claim is based, which cause of action accrued upon the arrest of October 16, 2014 and the release of Plaintiff on or about April 15, 2015 and the dismissal of charges on June 11, 2015.

24. As a result of Defendants' actions, Plaintiff was falsely imprisoned and suffered injuries as described aforesaid.

25. That at the time of Plaintiff's imprisonment, Defendants, their agents, servants and/or employees knew or should have known that Plaintiffs should not have been incarcerated.

26. That the Defendants, their agents, servants and/or employees failed, refused or neglected to undertake any measures which could have resulted in Plaintiff's release.

27. That as a result of Defendants' action, Plaintiff was compelled to, *inter alia*, lose employment and earning potential.

28. As a result of the false arrest, false imprisonment and malicious prosecution of Plaintiff by defendants, Plaintiffs demands judgment against the Defendants and was damaged in the amount of One Million (\$1,000,000.00) Million Dollars.

AS AND FOR A THIRD CAUSE OF ACTION

29. Plaintiffs repeat all the allegations contained in paragraphs "1" through "28" inclusive as though more fully set forth herein.

30. The Defendants, their agents, servants and/or employees, were acting "under color of state law" as defined in 42 U.S.C. 1983 et seq. in committing the acts alleged herein.

31. That Defendants have made it a practice, policy and custom of detaining African-Americans and Hispanics without probable cause.

32. That in carrying out those practices Defendants have used measures and guile to convince crime victims to make false

identifications to justify the Defendants arrests of person such as Plaintiff.

33. In performing that acts as aforesaid, the Defendants deprived Plaintiffs of their civil and constitutional rights as defined by 42 U.S.C. 1983 et seq and the law interpreting that section.

34. As a result of the foregoing, the Plaintiffs have been damaged in the amount of One Million (\$1,000,000.00) Million Dollars.

WHEREFORE, Plaintiffs demand of the Defendants as follows:

- a. On the First Cause of Action, the sum of Five Hundred (\$500,000.00) Thousand Dollars; and
- b. On the Second Cause of Action, the sum of One Million (\$1,000,000.00) Million Dollars; and
- c. On the Third Cause of Action, the sum of One Million (\$1,000,000.00) Million Dollars; and
- d. Punitive damages in the sum of \$250,000.00.

Dated: October 15, 2015

A handwritten signature in black ink, appearing to be 'E. Fuld', with a long horizontal stroke extending to the right.

Elliot H. Fuld
Attorney for Plaintiffs
930 Grand Concourse-Suite 1G
Bronx, New York 10451
(718) 410-4111


STATE OF NEW YORK
COUNTY OF THE BRONX: ss.

JAMES GOYNES, being duly sworn, deposes and says:

I am the Plaintiff herein, and I state and verify that I have read the attached Verified Complaint and that the statements contained in that Complaint are true or are, upon information and belief, accurate.

Dated: October 15, 2015

Duly sworn to this 15th day
of October, 2015


Ana Polanco
Notary Public State of New York
No 01PO6133973
Qualified in Bronx County
Commission Expires Sept 19, 2017


JAMES GOYNES

IN THE MATTER OF THE CLAIM OF

JAMES GOYNES

AGAINST THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT,
POLICE OFFICER SEAN BUTLER, SHIELD NO.: 7505, DETECTIVE RICHARD
SIMPLICIO, SHIELD NO.: 07665 AND OTHER UN-NAMED OFFICERS

TO: COMPTROLLER OF THE CITY OF NEW YORK

PLEASE TAKE NOTICE that the undersigned claimant hereby makes claim and demand against the City of New York, as follows:

1. The name and post-office address of each claimant and claimant's attorney is:

JAMES GOYNES

[REDACTED]

ELLIOT H. FULD

930 Grand Concourse-Suite 1G
Bronx, New York 10451

2. The nature of the claim: Seeking monetary damages for injuries suffered due to the actions **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT AND POLICE OFFICER KEVIN CLOTTER** its agents, servants and/or employees who resulted in the false arrest, false imprisonment and malicious prosecution of Claimant.
3. The time when, the place where and the manner in which the claims arose: (1) On or about October 1, 2014 at approximately 8:30 A.M. until and including 11:30 PM that day, at 594 Union Avenue, Bronx, NY and the Bronx Robbery Squad, Bronx County Central Booking, the Criminal Court of Bronx County and other areas under the control of **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT AND POLICE OFFICER SEAN BUTLER** Claimant was unlawfully detained, falsely arrested and imprisoned and falsely accused of robbery, grand larceny, menacing, petit larceny and criminal possession of stolen property and other related crimes. (2) On or about October 16, 2014 at approximately 9:00 PM, up until and including June 29, 2015 at or near 594 Union Avenue, Bronx, New York, the 40th Police Precinct, Bronx County Central Booking, the Criminal Court of Bronx County and the Supreme Court of Bronx County and other areas under the control of **THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, DETECTIVE RICHARD SIMPLICIO, SHIELD NO.: 07665 AND OTHER UN-NAMED OFFICERS**, Claimant was unlawfully detained, falsely arrested and imprisoned (in jail for approximately six [6] months) and falsely accused of robbery, grand larceny, criminal use and possession of a firearm, assault and other related crimes. Thereafter Claimant was maliciously prosecuted for those crimes for approximately nine (9) months and compelled to make approximately nine (9) court appearances at which time all charges were dismissed.

4. The items of damage or injuries claimed are: Claimant was falsely arrested


damaging his reputation and falsely imprisoned resulting in taint to Claimants' standing in the community and loss of employment. He were falsely charged with of robbery, grand larceny, menacing, petit larceny and criminal possession of stolen property and other related crimes, wrongfully imprisoned for a period in excess of six (6) months, maliciously prosecuted and wrongfully harassed. They were caused to suffer damage to his reputation because of the actions of THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT AND POLICE OFFICER SEAN BUTLER, SHIELD NO.: 7505, DETECTIVE RICHARD SIMPLICIO, SHIELD NO.: 07665 AND OTHER UN-NAMED OFFICERS, its agents, servants and/or employees.

TOTAL AMOUNT CLAIMED: Five Million (\$5,000,000.00) Dollars.

The undersigned claimant therefore presents this claim for adjustment and payment. You are hereby notified that unless it is adjusted and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim

Dated: June 12, 2015

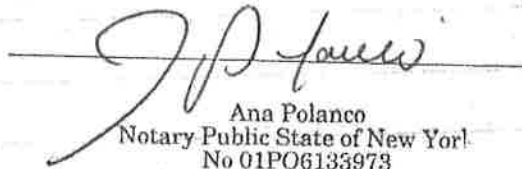

JAMES GOYNES


ELLIOT H. FULD
930 Grand Concourse-Suite 1G
Bronx, New York 10451
(718) 410-4111

STATE OF NEW YORK, COUNTY OF THE BRONX: SS:

JAMES GOYNES being duly affirmed, deposes and says that deponent is the claimant in the within action, that he has read the foregoing notice of claim and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true.

Affirmed to before me this 12TH day of June, 2015


Ana Polanco
Notary Public State of New York
No 01PO6133973
Qualified in Bronx County
Commission Expires Sept 19, 2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONXINDIVIDUAL ASSIGNMENT PART 3James Goyries X

v.

City of NY, et al X

STIPULATION- Order

Index No. 2015-031347

Mot. Cal.No.

Date 7/9/15

Ordered

IT IS HEREBY STIPULATED AND AGREED by and between the below-named attorney(s) as follows:

Petitioner's notice of claim annexed to the order to show cause as exhibit C is deemed timely served nunc pro tunc. Petitioner must provide the City with an authorization's unsealing the records of both subject arrests, the one on October 1, 2014 and October 16, 2014, within 45 days. Plaintiff must also appear at a hearing pursuant to 6ML 50-H upon notification by the City.

Date:

7/9/15

So Ordered.

ENTER:

J.S.C.

Eliot Field
By Philip Hie

Attorney for Plaintiff

Attorney for Defendant

Attorney for Defendant